



W.P.No.13913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Veerakumar

.. Petitioner

Vs

- 1.The District Collector,
Erode District – 638 011.
- 2.The District Revenue Officer,
Erode District – 638 011.
- 3.The Executive Engineer,
Water Resources Organisation,
Lower Bhavani Canal Project,
Konavakkal,
Erode District – 638 001.
- 4.The Assistant Director – Panchayats,
District Collector's Office,
Erode District – 638 011.
- 5.The Revenue Divisional Officer,
Erode Revenue Division,
Erode District – 638 001.



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6.The Revenue Tahsildhar,
Modakurichi Taluk,
Erode District – 638 104.

7.The Block Development Officer,
Modakurichi Taluk,
Erode District – 638 104.

8.The Assistant Engineer,
Water Resources Organisation – Irrigation Section,
Public Works Department,
Modakurichi Taluk,
Erode District – 638 104.

9.The Head Surveyor,
Modakurichi Taluk,
Erode District – 638 104.

10.The Commissioner,
Modakurichi Panchayat Union,
Modakurichi Taluk,
Erode District – 638 104.

11.The Inspector of Police,
Modakurichi Police Station,
Modakurichi Taluk,
Erode District – 638 104.

12.Palaniswamy @ Palani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 11 to remove the encroachment made by the private individual in Survey No.195/1 and 195/2 of Punjai Lakkapuram Revenue Village in Modakurichi Taluk of Erode District which is classified as "Sarkar



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Poramboke Salai" (Government Road) and "Sarkar Poramboke Vaikkaal" (Government Water Canal) respectively as per the Government Revenue Records by implementing the Proceedings of the 6th respondent Mu.Mu.No.455/2022/A2 dated 9.2.2022.

For the Petitioner : Mr.A.M.Kamalanath

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondents 1 to 6 and 8
to 11

: Mr.P.Muthukumar
State Government Pleader
for respondent No.7

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

S.Veerakumar, son of Subramaniam, a resident of Door No.18/1, Muniappan Kovil Street, Nalli Thottam, Erode Taluk, has filed this writ petition for issuance of a writ of mandamus directing the respondents 1 to 11 to remove the encroachment made by the private individual in Survey Nos.195/1 and 195/2 classified as



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"Sarkar Poramboke Salai" and "Sarkar Poramboke Vaikkal" respectively situate at Lakkapuram Revenue Villlage, Modakurichi Taluk, Erode District.

2. In support of the prayer, learned counsel for the petitioner drew our attention to the copy of "A" register to show that Survey Nos.195/1 and 195/2 have been classified as "Sarkar Poramboke Salai" and "Sarkar Poramboke Vaikkal" respectively. Learned counsel for the petitioner would submit that since encroachment has been made in the "Salai" and "Vaikkal", a direction may be issued to the respondent authorities to remove the same.

3. Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of respondents 1 to 6 and 8 to 11, and Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the seventh respondent, submitted that if six weeks' time is granted to the respondent authorities, they will conduct a survey of the land in question and thereafter remove the encroachment.



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4. Recording the submission made by learned Additional Advocate General and learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the land in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroacher. The entire exercise is to be completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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4.The Assistant Director – Panchayats,
District Collector's Office,
Erode District – 638 011.

5.The Revenue Divisional Officer,
Erode Revenue Division,
Erode District – 638 001.

6.The Revenue Tahsildhar,
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